

REMARKS

Status of the Claims

Claims 11-13 are pending with Claim 11 being the sole independent claim. Claims 11-13 have been amended. Support for the claim changes can be found in the original disclosure, for example in Figures 1-3 and 7, and the accompanying description, for example, in paragraphs [0066], [0068], [0105], [0106], [0107], [0114], [0164], and [0180], and therefore no new matter has been added.

Requested Action

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Formal Claim Rejection

Claim 13 is rejected under 35 U.S.C. § 112, second paragraph. In response, while not conceding the propriety of the rejection, Claims 12 and 13 have been amended to address the points raised in the Office Action. Applicant submits that as amended, Claim 13 now even more clearly satisfies 35 U.S.C. § 112, second paragraph.

Substantive Rejection

Claims 11-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,339,620 (Yamagishi).

In response, while not conceding the propriety of the rejection, independent Claim 11 has been amended. Applicant submits that as amended, Claim 11 is allowable for the following reasons.

Independent Claim 11 relates to an imaging apparatus comprising a photoelectric conversion area including a plurality of photoelectric converters, a controller, and an image processor. The controller is configured to perform a plurality of image-taking operations at a plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is not shielded by a shutter, and perform a plurality of dark capture operations at the plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is shielded by the shutter after completion of performing the plurality of image-taking operations. The plurality of different charge accumulation times of the dark capture operations are equal to that of the image-taking operations.

Claim 11 has been amended to recite that the controller is configured to continuously perform a plurality of image-taking operations at a plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is not shielded by a shutter, and continuously perform a plurality of dark capture operations at the plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is shielded by the shutter after completion of continuous performing the plurality of image-taking operations.

Claim 11 has further been amended to recite that the image processor is configured to correct image data which is acquired in the plurality of image-taking operations with correction data which is acquired in the plurality of dark capture operations.

In contrast, the citation to Yamagishi is not understood to disclose or suggest that a controller is configured to continuously perform a plurality of image-taking operations at a plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is not shielded by a shutter, and continuously perform a plurality of dark capture operations at the plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is shielded by the shutter after completion of continuous performing the plurality of image-taking operations, as recited by amended Claim 11. Therefore, this citation is not understood to disclose or suggest that an image processor is configured to correct image data which is acquired in the plurality of image-taking operations with correction data which is acquired in the plurality of dark capture operation, as also recited by amended Claim 11. Rather, the citation to Yamagishi is understood to give priority to image sensing timing over the dark capture process during continuous shot image sensing to reduce the shutter release time lag, as discussed in column 10, lines 59-62 and column 19, lines 41-44, and therefore, is understood to a) skip the dark capture operation in step S119 in Fig. 3 and step S521 in Fig. 12 when the continuous shot start flag is set, and b) skip the dark capture operation in step S133 in Fig. 4 and step S535 in Fig. 13 when both the continuous shot start flag is set and the newly determined charge accumulation time T_n is equal to the previously used charge accumulation time.

Since amended Claim 11 recites at least one feature not understood to be disclosed or suggested by the citation to Yamagishi, Applicant submits that the Office has not yet satisfied its burden of proof to establish the anticipation of amended Claim 11 over this

citation. As a result, Applicant respectfully requests that the rejection of Claim 11 be withdrawn.

The dependent claims are also submitted to be patentable, due to their dependency from the independent base claims, as well as due to additional features that are recited. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration, withdrawal of the outstanding rejections, and passage to issue of the present application.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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